

RESOLUTION NO. 5175

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING A MASTER USE PERMIT, WITH MODIFIED CONDITIONS, AND COASTAL DEVELOPMENT PERMIT FOR AN EXISTING COMMERCIAL BUILDING TO INCLUDE THE CONVERSION OF ONE RETAIL TENANT SPACE TO A RESTAURANT, SERVING BEER AND WINE; AND MODIFICATION OF AN EXISTING SIGN APPEAL TO EXCEED THE MAXIMUM PERMITTED SIGN AREA, ON THE PROPERTY LOCATED AT 1125, 1125A, 1129, 1131 MANHATTAN AVENUE AND 133 MANHATTAN BEACH BOULEVARD (LAURENCE)

WHEREAS, there was filed with the Planning Commission of the City of Manhattan Beach, California, an application for a Master Use Permit and Coastal Development Permit, for the property legally described as Lots 10, 11, & 12, Block 2, Manhattan Beach Division #2., and located at 1125, 1125A, 1129, 1131 Manhattan Avenue and 133 Manhattan Beach Boulevard, in the City of Manhattan Beach; and,

WHEREAS, the applicant for said project is Edward D. Laurence, owner of the subject property; and,

WHEREAS, an Initial Study was performed and a Negative Declaration, was prepared in accordance with the California Environmental Quality Act (CEQA), as amended by the City of Manhattan Beach Guidelines. Based upon the analyses, it was determined that there will be no significant environmental impacts associated with the project; and,

WHEREAS, the Planning Commission finds that, based upon the Initial Study and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and

WHEREAS, after duly processing said application and holding a public hearing thereon, the Planning Commission adopted its Resolution No. 95-8 (which is on file in the office of the

1 Secretary of said Commission in the City Hall of said City, open
2 to public inspection and hereby referred to in its entirety and by
3 this reference incorporated herein and made part hereof), on May
4 24, 1995, approving a Master Use Permit and Coastal Development
5 Permit and modification of an existing sign appeal for the subject
6 property; and

7 WHEREAS, within the time period allowed by law, on June
8 2, 1995, an appeal of the Planning Commission decision was filed
9 by Mr. Randy Plaskoff; and

10 WHEREAS, the Council of said City pursuant to the
11 provisions of the Municipal Code held a public hearing on June 20,
12 1995, receiving and filing all written documents and hearing oral
13 argument for and against; thereafter on said June 20, 1995, the
14 Council sustained the decision of said Commission and approved,
15 with modified conditions, the subject Master Use Permit, the
16 Coastal Development Permit and the modified sign appeal.

17 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
18 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,
19 DETERMINE AND ORDER AS FOLLOWS:

20 SECTION 1. That the City Council does hereby make
21 the following findings:

- 22 1. The applicant requests approval of a Master Use Permit and
23 Coastal Development Permit seeking to allow the conversion of
24 two retail tenant spaces to restaurants, one serving beer and
25 wine; and modification of an Existing Sign Appeal to exceed
26 the maximum permitted sign area, on the property located at
27 1125, 1125A, 1129, 1131 Manhattan Avenue and 133 Manhattan
28 Beach Boulevard.
- 29 2. The property is located in Area District III and is zoned CD,
30 Downtown Commercial, as are the surrounding properties.
- 31 3. The proposed uses are permitted in the CD zone, subject to a
32 Use Permit and are in compliance with the City's General Plan
designation of Downtown Commercial;
4. Approval of the conversion of one retail tenant space to
restaurant use will not be detrimental to the public health,
safety or welfare of persons residing or working in or
adjacent to the neighborhood of such use; and will not be

detrimental to properties or improvements in the vicinity or to the general welfare of the City as detailed in the project Staff Report.

4. The project shall be in compliance with the provisions of the Manhattan Beach Municipal Code.
5. The conversion of one retail tenant space to restaurant use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities since it replaces existing development at a location with all appropriate services.
6. The existing site is occupied by three restaurant uses governed by approvals contained in Resolution Nos. BZA 84-14, BZA 86-38, and PC 94-17; and two retail (one vacant) uses.
7. The Municipal Code requires Master Use Permit approval for commercial buildings (addressing the total mix of uses contained therein) greater than 5,000 square feet in floor area. The subject Master Use Permit incorporates Use Permit approval for three existing restaurant tenants, one existing retail tenant, and one proposed restaurant within the project.
8. The change of use for the new restaurant within the Coastal Zone (appealable area) requires a Coastal Development Permit.
9. The project is consistent with the Land Use Plan of the Local Coastal Program approved for Manhattan Beach.

SECTION 2. The City Council does hereby approve the subject Master Use Permit, Coastal Development Permit, and Sign Appeal modification subject to the conditions enumerated below, which shall supersede the conditions contained within the existing Use Permit and Sign Appeal approvals (Resolution Nos. BZA 84-14, BZA 86-38, PC 94-17, and 4119) applicable to the subject site:

{(*) denotes conditions unique to the subject project}

Site Preparation/Construction

1. * The project shall be constructed in substantial compliance with the plans as reviewed by the Planning Commission on May 10, 1995, except: the 1125 Manhattan Avenue tenant space shall remain as retail use, the areas shown as outdoor dining areas may be replaced by enclosed space at the property owner's discretion, and an exterior accessible trash storage area shall be included. Substantial compliance shall include limiting the total seating area for each restaurant tenant to not exceed those shown on said plans.
2. A Traffic Management Plan shall be submitted in conjunction with all tenant improvement and other building plans, to be approved by the Police and Public Works Departments prior to

issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility pole(s) in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.

Site Operational Restrictions

4. * The restaurant uses of the site shall be limited to the four specified tenant spaces, any of which may also be occupied during any interim periods by retail/personal service tenants.

5. * A trash enclosure(s), with adequate total capacity for all site tenants, shall be provided on the site which is accessible from the exterior of the building for each tenant's trash disposal and City pick-up, subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor.

6. * The project shall provide a minimum of 2 off-site vehicle parking spaces which may include combinations of the following:

- A. Payment of in-lieu fees to the Downtown Parking District program.
- B. Proof of access and use of off-site parking spaces located within a walking distance of up to 1000 feet from the subject use. City parking permits in Downtown parking lots may be used for this purpose subject to any restrictions or limitations imposed by the City's Local Coastal Program Implementation Plan and City Council's policy on Downtown parking.

Should any of the parking spaces provided for compliance with this condition become inaccessible or unusable during the life of the use, the Community Development Department shall be notified in writing immediately and this Use Permit shall become subject to revocation/modification action within 30 days if replacement parking is not obtained.

7. * All signs shall be in compliance with the City's Sign Code except as provided below:

- A. The permitted total sign area, upon replacement of all nonconforming signs, on the site may be a maximum of 165 square feet.
- B. Each tenant space shall be permitted one square foot of wall sign area per lineal foot of tenant street frontage except for 1125 Manhattan Avenue.

C. The tenant space at 1125 Manhattan Avenue shall be permitted 80 square feet of wall sign area upon removal or 50% replacement of any of the existing nonconforming signs.

D. Freestanding or pole signs shall be prohibited on the subject property.

8. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.

Restaurant Operational Restrictions

9. * Restaurant hours of operation shall be limited as follows:

1125A Manhattan Avenue 6:00 am - 11:00 pm, Sun.-Thurs.
6:00 am - 1:00 am, Fri.-Sat.

1129 Manhattan Avenue 6:00 am - 11:00 pm, Sun.-Thurs.
6:00 am - midnight, Fri.-Sat.

(the hours for 1129 Manhattan Avenue shall be reviewed by the Community Development Director 6 months after adoption of this Resolution to determine if City Council reversion to the previously approved hours is appropriate)

1131 Manhattan Avenue 6:00 am - 11:00 pm, Sun.-Thurs.
6:00 am - midnight, Fri.-Sat.

133 Manhattan Beach Bl. 6:00 am - 2:00 am, Daily

10.* No live entertainment, live music, or dancing shall be permitted in any of the restaurants on the site.

11. A permanent barrier, at least 36 inches in height, shall be installed around the perimeter of both restaurant outdoor seating areas (1129 & 1131 Manhattan Ave.) with one exterior access entry for each establishment subject to Community Development and Fire Department approvals.

12.* Any outside sound or amplification system or equipment is prohibited for all restaurants on the site.

13.* The establishments at 1125A and 1131 Manhattan Avenue, and 133 Manhattan Beach Boulevard shall each maintain an "eating place with beer and wine" type of alcohol license while alcohol is served, and shall make a full menu of food service available during all hours of operation. Alcohol beverages shall be prohibited at 1129 Manhattan Avenue.

14. Two restrooms shall be made available to patrons during all hours of operation for the restaurant located at 1131 Manhattan Avenue. Restaurants located at 1125A and 1129 Manhattan Avenue, and 133 Manhattan Beach Boulevard shall provide restrooms in conformance with the requirements of the Building Official.

15. The restaurants on the site shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.

16. The restaurants on the site shall remain in compliance with all Fire and Building occupancy requirements at all times.
17. The management of the restaurants on the site shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
18. The business proprietors of each restaurant shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the subject business or in the immediate area.
- 19.* The ordering and service of food and beverage at all restaurants on the site, except 133 Manhattan Beach Boulevard, shall be primarily by employee service to customers seated at tables, and therefore shall have no take-out counters or windows. Retail food and beverage sales with counter service may be combined with a restaurant use if the counter is limited to: a 5 foot maximum length, two cash registers, and service to walk-out customers only. Counter/fast-food service is permitted at 133 Manhattan Beach Boulevard and the existing take-out window may remain subject to the requirements of the City's Municipal Code and policies.
- 20.* No retail/customer service bar serving alcohol beverages shall be permitted in any of the restaurants.

Public Works Department

21. A Grease interceptor shall be provided for the kitchen area of the proposed restaurants at 1131 Manhattan Avenue, and shall be placed into a scheduled maintenance program. Grease is not permitted to be discharged into the sanitary sewer system.
22. A trash and recycling plan shall be approved by the Public Works Department. All trash receptacles shall be provided with lids that close tightly at all times. All trash and waste material shall be removed from around the receptacles on a daily basis.
23. A dedicated mop sink shall be provided for the kitchen of the proposed restaurant at 1131 Manhattan Avenue. All floor mats for the entire site shall be cleaned within the premises. No outside cleaning of floor mats is permitted. If the floor mats cannot be cleaned within the premises, a contract service that can perform this task shall be used.
24. No waste water shall be permitted to be discharged from any of the site premises. Waste water shall be discharged into the sanitary sewer system.
25. The sanitary sewer laterals shall be televised to check their structural integrity. The tape shall be made available to the Public Works Department for review. A determination will be made at the time whether the lateral needs replacing, repair, or used as is.

26. If the sanitary sewer laterals are repaired or replaced a property line cleanout shall be installed.

Procedural

27. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.

28.* This Use Permit shall lapse one-year after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code. Implementation for this Use Permit may consist of completed installation of the required exterior trash enclosure.

29. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.

30. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, up to \$20,000, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

31. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

SECTION 3.

Pursuant to Government Code Section

65907 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant

and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1084.6.

SECTION 4. This resolution shall take effect immediately.

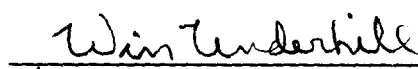
SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED this 20th day of June, 1995.

Ayes: Napolitano, Barnes, Jones, Cunningham, Mayor Lilligren
Noes: None
Absent: None
Abstain: None


Mayor, City of Manhattan Beach,
California

ATTEST:


City Clerk

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.
3 CITY OF MANHATTAN BEACH)

4 I, WIN UNDERHILL, City Clerk of the City of Manhattan
5 Beach, California, do hereby certify that the whole number of
6 members of the City Council of said City is five; that the
7 foregoing resolution, being Resolution No. 5175, was duly and
8 regularly introduced before and adopted by the City Council of
9 said City at a regular meeting of said Council, duly and regularly
10 held on the 20th day of June, 1995, and that the same was so
11 passed and adopted by the following vote, to wit:

12 Ayes: Napolitano, Barnes, Jones, Cunningham, Mayor Lilligren
13 Noes: None
14 Absent: None
15 Abstain: None

16 IN WITNESS WHEREOF, I have hereunto subscribed my name
17 and affixed the official seal of said City this 21st day of June,
18 1995.

19 Win Underhill
20 City Clerk of the City of
21 Manhattan Beach, California

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23 (SEAL)
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